

1 granting Plaintiff leave to amend. The Court then dismissed the case without prejudice. The
2 Clerk of the Court entered judgment accordingly.

3 Plaintiff now seeks disqualification of the undersigned based on the Order dismissing
4 the case. Plaintiff claims that, by granting Defendants' Motion to Dismiss, the undersigned
5 "has demonstrated clear and blatant bias in favor of Libelees." (Doc. 47 at 3). The Court
6 finds that recusal is not necessary in this case because "a judge's prior adverse ruling is not
7 sufficient cause for recusal." *U.S. v. Studley*, 783 F.2d 934, 939 (9th Cir.1986); *see, e.g.,*
8 *Taylor v. Regents of Univ. of California*, 993 F.2d 710, 712–13 (9th Cir.1993) (holding that
9 adverse rulings alone are insufficient to demonstrate bias and to compel recusal); *Mayes v.*
10 *Leipziger*, 729 F.2d 605, 607 (9th Cir. 1984) (same). Accordingly, Plaintiff's Motion to
11 Disqualify is denied.

12 Plaintiff also moves to set aside the judgment dismissing this case without prejudice
13 pursuant to Federal Rule of Civil Procedure 60. In his Motion for Rule 60 Relief, Plaintiff
14 fails to identify any factual or legal basis for the Court to set aside the judgment.
15 Accordingly, Plaintiff's Motion for Rule 60 Relief from Judgment is denied.

16 Plaintiff next moves for sanctions against defense counsel. Essentially, Plaintiff's
17 Motion for Sanctions is a complaint that defense counsel represented his client in filing
18 Motions to Dismiss. This is not sanctionable conduct. Further, it appears that Plaintiff's
19 motion for sanctions is not made in good faith and is, in fact, made for the sole intention of
20 harassing Defendants and needlessly increasing the cost of litigation. The Court will not
21 indulge such harassment and, if Plaintiff files similarly non-meritorious motions in the future,
22 such motions will be denied without further explanation from the Court. Accordingly,
23 Plaintiff's Motion for Sanctions is denied.

24 Based on the foregoing,

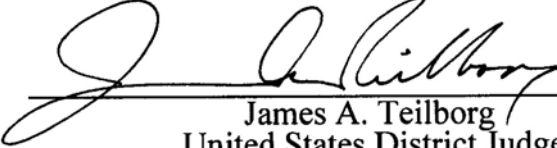
25 **IT IS ORDERED** that Plaintiff's Motion to Set Aside Judgment (Doc. 45) is denied.

26 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Sanctions (Doc. 46) is
27 denied.

28 **IT IS FINALLY ORDERED** that Plaintiff's Motion to Disqualify Judge (Doc. 47)

1 is denied.

2 DATED this 2nd day of November, 2012.

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6 James A. Teilborg
7 United States District Judge
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